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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,139	07/03/2003	Mu-Tsang Lin	24061.70	6821
27683	7590	01/26/2006		EXAMINER
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			GUTIERREZ, ANTHONY	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.	10/613,139	Applicant(s) LIN ET AL.
Examiner	Art Unit Anthony Gutierrez	2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 08 November 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg et al. (United States Patent Application Publication US 2002/0022969 A1).

As to claims 1, 9, and 17, Berg et al. discloses providing information to repair a semiconductor tool, the method comprising (see Abstract): receiving a tool alarm when a tool problem occurs (lines 1-6); upon receipt of the tool alarm, providing tool alarm information to a database to determine a problem, cause, and action (lines 6-13); checking if the tool alarm information matches an item in a standard operation procedures table of the database (lines 13 and 14); if the tool alarm information matches an item in the table, providing standard operation procedures information to a tool alarm message; and sending the tool alarm message to a remote terminal for use in repairing the semiconductor tool (lines 14-17) (See also, Figs. 7 and 9).

As to claims 2-6, Berg et al. discloses the database further includes tables for providing routine maintenance information for the specified semiconductor tool and for providing a predetermined operating procedure for maintaining the specified semiconductor tool, including instructions for identifying maintenance actions to be performed on the specified semiconductor tool (paragraph 0041, lines 15-42).

As to claim 7, Berg et al. discloses sending the identified cause and action information to a mobile terminal (paragraph 0041, lines 4-9 and lines 26-32).

As to claims 8, and 10-12, Berg et al. discloses checking if the tool alarm information matches an item in a requirements table of the database based on pre-collected knowledge about the semiconductor tool; if the tool alarm information matches an item in the requirements table, providing requirements information to the message, including determining a problem, cause, and action associated with the tool alarm information by searching a problem tree, cause tree and action tree in the database; and providing problem, cause, and action information to the message (paragraphs 0029, 0035, and 0046, See also Fig. 9).

As to claims 13 and 14, Berg et al. discloses updating the database with experiential knowledge provided from a plurality of different entities working on the semiconductor tool (paragraph 0036).

As to claims 15 and 16, Berg et al. discloses updating the database with manufacture knowledge provided from one or more manufacture or repair facilities associated with the semiconductor tool (paragraph 0008).

As to claims 18 and 19, Berg et al. discloses at least one group for software problems, including a subgroup for automatic control system problems, and another group for temperature-related problems (paragraph 0023, lines 8-11 and paragraph 0026 where the SCADA system is related to the software problems, as distinguished from the individual equipment unit).

As to claims 20 and 23-25, Berge et al. discloses the group for temperature-related problems includes a subgroup for valve obstructions (paragraphs 0026 and 0042, lines 7-12).

As to claim 21, Berg et al. discloses a subgroup for user-defined problems (paragraph 0036, lines 24-34).

As to claim 22, Berg et al. discloses addressing statistical process control problems (paragraph 0012, lines 14-19).

As to claims 26-28, Berg et al. discloses a subgroup related to routine valve maintenance actions, including a subgroup related to recently added valve maintenance actions, including an interface for receiving a plurality of valve maintenance actions from a maintenance entity that previously worked on the semiconductor tool, including the recently added valve maintenance actions (paragraph 0041, lines 18-42).

***Response to Arguments***

3. Applicant's arguments filed 11/8/05 have been fully considered but they are not persuasive.

The Applicant argues that the Examiner's standing rejection under 35 U.S.C. 102(b) is improperly made because the Examiner has not met the requirement of establishing that Berg (the reference of rejection) discloses every element of the claimed invention, arranged as in the claim.

The Applicant relies on M.P.E.P. 2131 and decisions from two cases to support a position that citations from different sections of the reference and in particular different embodiments, constitutes a discrepancy of arrangement.

While the Examiner is aware of the requirement for arrangement as set forth in M.P.E.P. 2131, the Examiner cannot find the requirement to treat the evidence of the two cases mentioned as universal case law precedent.

Furthermore, the Examiner does not consider a failure of arrangement to exist in the rejection, as the Applicant has otherwise not specified what **specific arrangement discrepancies** exist between the invention as claimed, and the prior art as recited by the Examiner in his rejection.

The Examiner considers this to be supported by a statement in the Berg reference, "the foregoing descriptions of the preferred **embodiments** of the present invention are **presented for purposes of illustration** and description and are **not intended** to be exhaustive or **to limit the invention to the precise forms disclosed**" (paragraph 0047).

The Examiner interprets this statement in Berg to allow for a combination of elements of different embodiments unless there existed a specific teaching away from such a possibility. The Examiner finds no such teaching, nor any indication to assume that a combination of these elements results in an invention that is not arranged consistent with Applicant's claimed invention.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Application Publications

US 2005/0047645 A1 to Funk et al. teaches a GUI for managing a web-based semiconductor processing system.

US 2004/0267399 A1 to Funk, teaches a system for wafer-to-wafer control in a semiconductor processing system that uses feedforward and feedback information.

US 2004/0243256 A1 to Willis et al. teaches a method of using an APC system to perform data pre-population function in which the APC system is coupled to a processing element.

US 2004/0185583 A1 to Tomoyasu et al., teaches a method of operating system for chemical oxide removal using pre-process meteorology data.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

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action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AG*  
Anthony Gutierrez

1/20/06

*Marc Hoff*  
MARC S. HOFF  
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